

**Requests for Reconsideration:**

Applicant is amending claim 1 to better describe the claimed invention. No new matter is added by the foregoing amendments, and these amendments are fully supported by the specification. Applicant respectfully requests that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

**Remarks:**

1. Rejections

Claims 1-3, 5-9, and 11-16 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,361,283 to Ota et al. (“Ota”).<sup>1</sup> In addition, claims 4 and 10 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Ota in view of U.S. Patent Application Publication No. 2003/0031569 A1 to Hayashi et al. (“Hayashi.”). Applicant respectfully traverses.

2. 35 U.S.C. § 102(b)

Claims 1-3, 5-9, and 11-16 stand rejected as allegedly anticipated by Ota. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Ota describes each and every element as set forth in claims 1-3, 5-9, and 11-14. Applicant respectfully traverses.

Applicant has amended independent claim 1 to recite, in part: “the upstream portion of the throttling valve receives the compressor discharge gas from a discharge chamber.” In contrast, Ota discloses a control valve for the displacement of a variable displacement type compressor. The Office Action asserts that Ota’s valve portion 1 corresponds to the throttling valve described in independent claim 1. See, i.e., Office Action, Page 2. Nevertheless, Ota’s valve portion 1 does not receive discharge gas from a discharge chamber. Rather, valve portion 1 of Ota appears to receive a pressure  $P_s$ , which corresponds to pressure from a suction chamber. Thus, Ota fails to disclose that “the upstream portion of the throttling valve receives the compressor discharge gas from a discharge chamber,” as set forth in amended independent 1. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of independent claim 1 at least for this reason.

Claims 2, 3, 5-9, and 11-16 depend from allowable, independent claim 1. Therefore, Applicant respectfully requests that the Examiner also withdraw the anticipation rejection of claims 2, 3, 5-9, and 11-16 at least for this reason.

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<sup>1</sup> The Office Action incorrectly identifies the allegedly anticipated claims. In a telephone conversation with Examiner Hamo, Applicant confirmed that claims 1-3, 5-9, and 11-16 stand rejected as allegedly anticipated by Ota.

3. 35 U.S.C. §103(a)

Claims 4 and 10 stand rejected as allegedly rendered obvious by Ota in view of Hayashi. Claims 4 and 10 depend from allowable, independent claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claims 4 and 10 at least for this reason.

**Conclusion:**

Applicant respectfully submits that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representative, we would welcome the opportunity to do so. Applicant believes that no fees are due as a result of this Response. Nevertheless, in the event of any variance between the fees determined by Applicant and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,  
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